

Termination of corporation on death of last member.

Provisos. Corporate powers continued if annual encampments no longer held.

Property rights of posts or departments not affected.

Disposition and future ownership of property.

Jurisdiction of District supreme court to vest title, etc.

ment and department officers of the particular department to which it belongs.

SEC. 6. That the corporate existence of the Grand Army of the Republic, and the exclusive rights of its surviving members to wear the insignia of membership therein, shall terminate only when the last of its members dies: *Provided, however,* That if at any national encampment hereafter held a memorial shall be adopted by the vote of three-fourths of the members present, reciting that because of the decrease in its membership, or because of the age and infirmity of its surviving members, it is no longer advisable and practicable to hold future national annual encampments, such action shall not operate to deprive said organization of any of its corporate powers, but the government thereof may be modified to provide for such contingency, subject to the restrictions contained in section 3 of this Act: *Provided,* That nothing in this Act shall in any manner affect the right or the power of such posts or departments to dispose of, or otherwise affect the ownership of, property held by any post or department in its own name, nor affect the right of such posts or departments to organize corporations under State laws for the purpose of caring for and disposing of such property.

SEC. 7. That the national encampment may, by resolution, provide for the disposition and future ownership of its property and archives, and may declare the event in which such disposition shall become effective and such ownership vested, and a duly authenticated copy of such resolution shall be filed in the office of the Supreme Court of the District of Columbia. Upon the happening of the event thus declared, and upon the filing of a petition in said Supreme Court reciting said facts, said court shall take jurisdiction thereof, and upon due proof being made the court shall enter a decree which shall be effectual to vest title and ownership in accordance with the provisions of such resolution.

Approved, June 3, 1924.

June 3, 1924.
[H. R. 8209.]
[Public, No. 135.]

CHAP. 243.—An Act To create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes.

District of Columbia. Inland Waterways Corporation created in. Purpose of, to promote inland water transportation.

Vol. 41, p. 458.
Vol. 41, p. 499.

Secretary of War, the incorporator.

Capital stock. Subscription and payment by United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying on the operations of the Government-owned inland, canal, and coastwise waterways system to the point where the system can be transferred to private operation to the best advantage of the Government, of carrying out the mandates of Congress prescribed in section 201 of the Transportation Act, 1920, as amended, and of carrying out the policy enunciated by Congress in the first paragraph of section 500 of such Act, there is hereby created a corporation, in the District of Columbia, to be known as the Inland Waterways Corporation (hereinafter referred to as the "corporation"). The Secretary of War shall be deemed to be the incorporator, and the incorporation shall be held effected upon the enactment of this Act. The Secretary of War shall govern and direct the corporation in the exercise of the functions vested in it by this Act.

SEC. 2. The capital stock of the corporation shall be \$5,000,000, all of which is hereby subscribed for by the United States. Such subscription shall be paid by the Secretary of the Treasury, within the appropriations therefor, upon call from time to time by the Secretary of War. Upon any such payment a receipt therefor shall be issued by the corporation to the United States and delivered to the Secretary of the Treasury, and shall be evidence of the stock ownership of

the United States. There is hereby authorized to be appropriated the sum of \$5,000,000 for the purpose of paying such subscription.

SEC. 3. (a) Until otherwise directed by Congress, the corporation shall continue the operation of the transportation and terminal facilities now being operated by or under the direction of the Secretary of War, under section 201 of the Transportation Act, 1920, as amended, and shall, as soon as there is an improved channel sufficient to permit the same, initiate the water carriage heretofore authorized by law upon the Mississippi River above Saint Louis.

(b) If the Secretary of War deems it advisable to discontinue the operation of any part of the transportation or terminal facilities, or to develop and operate new lines, in order to give the public the proper service, he shall report thereon to Congress. The operation of any of such facilities shall not be discontinued and new lines shall not be developed or operated until authorized by Congress.

(c) The operation of the transportation and terminal facilities under this Act shall be subject to the provisions of the Interstate Commerce Act, as amended, and to the provisions of the Shipping Act, 1916, as amended, in the same manner and to the same extent as if such facilities were privately owned and operated; and all vessels of the corporation operated and employed solely as merchant vessels shall be subject to all other laws, regulations, and liabilities governing merchant vessels.

SEC. 4. (a) The Secretary of War shall appoint an Advisory Board of six members (hereinafter referred to as the "board") from individuals prominently identified with commercial or business interests in territory adjacent to the operations of the corporation. No member of the board shall be an officer, director, or employee of, or substantially interested in, any railroad corporation. Two of such members shall continue in office for terms of one year, and the remaining four for terms of two, three, four, and five years, respectively, from the date of appointment, the term of each to be designated by the Secretary of War. Each successor shall be appointed by the Secretary of War for a term of five years from the date of the expiration of the term of the member whom he succeeds, except that any successor appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed only for the unexpired term of the member whom he succeeds. A vacancy in the board shall not impair the powers of the remaining members to execute the functions of the board.

(b) The members shall receive no salary for their services on the board but, under regulations and in amounts prescribed by the Secretary of War, may be paid by the corporation a reasonable per diem compensation for attending meetings of the board and for time spent on special service of the corporation, and their traveling expenses to and from such meetings, or when assigned to such special service.

(c) In addition to the six members, the Secretary of War shall appoint an individual from civil life, or (notwithstanding section 1222 of the Revised Statutes or any other provision of law, or any rules or regulations issued thereunder) detail an officer from the Military Establishment of the United States, as chairman of the board. Any officer so detailed shall, during his term of office as chairman, have the rank, pay, and allowances of a brigadier general, United States Army, and shall be exempt from the operation of any provision of law, or any rules or regulations issued thereunder, which limits the length of such detail or compels him to perform duty with troops. Any individual appointed from civil life shall, during his term of office as chairman, receive a salary not to exceed \$10,000 a year to be fixed by the Secretary of War. The Secretary

Appropriation authorized.

Operation of water transportation facilities by Secretary of War to be transferred.
Vol. 41, p.458.

Water carriage on the Mississippi.

Discontinuing, or operating new lines, subject to Congressional action.

Operation subject to interstate commerce laws and Shipping Act.
Vol. 39, p. 728.

Shipping laws applicable to merchant vessels.

Advisory Board. Appointment, qualifications, etc.

Terms of first members.

Successors, etc.

No salary for services. Expenses attending meetings, etc., allowed.

Chairman. Appointment of civilian, or detail of Army officer, as.
R.S., sec. 1222, p. 215.

Rank, pay, etc., of detailed officer.

Pay for civilian.

Functions conferred.

of War may delegate to the chairman any of the functions vested in the Secretary by this Act.

Meetings, etc., of board.

Matters to be considered.

(d) The board shall meet for organization purposes when and where called by the Secretary of War, and thereafter at such times and places as the Secretary deems necessary. The board shall consider matters submitted to it by the Secretary of War, and make recommendations thereon, and from time to time advise him and make recommendations, in respect of the management and operation of existing facilities, or the development and operation of new lines.

General corporate powers.

SEC. 5. The corporation—

(a) Shall have succession in its corporate name during its existence;

(b) May sue and be sued in its corporate name;

(c) May adopt a corporate seal, which shall be judicially noticed, and may alter it at pleasure;

(d) May make contracts;

(e) May acquire, hold, and dispose of property;

Business officers, etc.

(f) May appoint, fix the compensation of, and remove such officers, employees, attorneys, and agents as are necessary for the transaction of the business of the corporation; define their duties, and require bonds of them, and fix the penalties thereof;

Indebtedness limited.

(g) May incur obligations, borrow money for temporary purposes, and issue notes or other evidences of indebtedness therefor, but the aggregate amount of the indebtedness at any time shall not exceed 25 per centum of the value of the assets at such time;

Transportation functions of Secretary of War.
Vol. 41, p. 458, 499.

(h) May exercise any of the functions vested in the Secretary of War by sections 201 and 500 of the Transportation Act, 1920, as amended;

Operate as common carrier by water.

(i) May, in the exercise of such functions, conduct the business of a common carrier by water, and maintain, manage, and operate properties held for or used in the service of transportation, or necessary or convenient to such use; and

Other incidental powers.

(j) In addition to the powers specifically granted, shall have such powers as may be necessary or incidental to fulfill the purposes of its creation.

Waterway facilities to be transferred to corporation by Secretary of War.
Vol. 41, p. 458.

SEC. 6. (a) The Secretary of War shall transfer to the corporation all assets transferred to, or acquired, constructed, or operated by, or under the direction of, the Secretary of War, or which revert to the United States, under section 201 of the Transportation Act, 1920, as amended, or under the joint resolution entitled "Joint resolution to exempt the New York State Barge Canal from the provisions of section 201 of the Transportation Act, 1920, and for other purposes," approved February 27, 1921.

Rights, obligations, etc., transferred.

(b) The rights, privileges, and powers, and the duties and liabilities, of the Secretary of War, or the inland and coastwise waterways service, in respect of any contract, loan, lease, account, or other obligation, under section 201 of such Act, or under such joint resolution, shall become the rights, privileges and powers, and the duties and liabilities, respectively, of the corporation.

Moneys made available.

(c) All money available for expenditure or the making of loans under such joint resolution or section 201 of such Act, and all money repaid in pursuance of loans made under subdivision (c) of section 201 of such Act, shall be available for expenditure or the making of loans by the corporation under this Act.

Claims subrogated to corporation.

(d) The enforceable claims of or against the Secretary of War, or the inland and coastwise waterways service, in respect of the operation, construction, or acquisition of any such transportation facilities, shall become the claims of or against, and may be enforced by or against, the corporation.

(e) The Secretary of War shall adjust and appraise the value, at the time of transfer, of all assets transferred to the corporation under this Act, and such value shall be entered upon the books of the corporation.

Appraisal of assets transferred, etc.

(f) In the determination of the running of the statute of limitations or of any prescriptive right, the period of time shall be computed in the same manner as though this Act had not been passed.

Statute of limitation, etc., computed.

Approved, June 3, 1924.

CHAP. 244.—An Act Providing for sundry matters affecting the Military Establishment.

June 3, 1924.
[H. R. 8886.]
[Public, No. 186.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 87 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, amended by adding thereto the following proviso:

National Defense Act, 1916.
Vol. 39, p. 205, amended.

"And provided further, That property issued to the National Guard and which has become unserviceable through fair wear and tear in service, may, after inspection thereof and finding to that effect made by an officer of the Regular Army designated by the Secretary of War, be sold or otherwise disposed of, and the State, Territory, or District of Columbia, accountable, shall be relieved from further accountability therefor; such inspection, and sale or other disposition, to be made under regulations prescribed by the Secretary of War, and to constitute as to such property a discretionary substitute for the examination, report, and disposition provided for elsewhere in this section."

National Guard.
Property unserviceable by wear, etc., may be sold, etc.

State, etc., relieved from responsibility.

Inspection substituted for examination, etc.
Vol. 39, p. 204.

SEC. 2. That section 92 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, amended to read as follows:

Training of National Guard.
Vol. 39, p. 206, amended.

"SEC. 92. TRAINING OF THE NATIONAL GUARD.—Under such regulations as the Secretary of War shall prescribe, each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than forty-eight times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least fifteen days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided,* That an assembly for drill and instruction may consist of a single duly ordered formation of a company, troop, battery, or detachment, or when so authorized by the Secretary of War of a series of duly ordered formations of subdivisions or parts thereof, but in the latter case the series of formations of subdivisions or groups must comprehend and include the entire organization, and must be included within the time limit of seven consecutive days within a calendar month. The sum total of the attendance at all the separate consecutive formations announced as constituting that assembly shall be counted as the attendance at the actual military assembly for the required period of time; but no officer, warrant officer, or enlisted man shall be counted more than once, nor receive credit for more than one required period of actual military attendance even though he may have attended more than one of the formations which constitute the assembly for the required period of time: *Provided further,* That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be

Yearly drill, etc., required.

Provides
Assembly for drill and instruction requirements modified.

Attendance at separate consecutive formations.

Credit for, limited.

Minimum practice period.